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## *Memorandum*

TO: Members of the Commission

DATE: September 23, 2011

FR: Deputy Executive Director

W. I. 1153

RE: Resolution No. 3769, Revised - Amending Bay Area Infrastructure Financing Authority (BAIFA) Joint Exercise of Powers Agreement with Bay Area Toll Authority

At its September 14, 2011 meeting, the Administration Committee voted to forward to the Commission for its approval MTC Resolution No. 3769, Revised, amending the BAIFA joint exercise of powers agreement to permit BAIFA to “develop and operate” an express lane facility pursuant to Streets and Highways Code Sections 143(a)(4)(D) and 149.7. This action followed the Planning Committee’s action on MTC Resolution No. 4030, authorizing BAIFA to submit an application to the California Transportation Commission (CTC) for authority to develop and implement an express lane facility on portions of I-80, I-880, I-680 and the Dumbarton and San Mateo-Hayward bridge approaches.

Following these Committee actions, MTC staff began discussions with CTC staff on the draft application, to get an early start on review of the application, which CTC will consider at its October meeting, if the Commission authorizes its formal submission on September 28, 2011. CTC staff expressed concerns over BAIFA as applicant that MTC staff has not been able to address to their satisfaction. Staff is now recommending (in Item 9 of the September 28 Commission agenda) that MTC submit the application, rather than BAIFA. If the application is approved and an express lane network is developed and operated, MTC may wish to delegate to BAIFA some of its implementation activities, which would still require the changes to the BAIFA JPA set forth in Resolution No. 3769, Revised.

Staff recommends that MTC Resolution No. 3769, Revised, amending BAIFA’s Joint Exercise of Powers Agreement, dated August 1, 2006 (Attachment A) be approved by the Commission. The attached resolution has been revised since its approval by the Administration Committee to delete references to BAIFA filing the application with the CTC.

Andrew Fremier

### Attachment

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